

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

**JOHN C. JACKSON AND CECELIA  
JACKSON**

*Plaintiffs,*

**v.**

**FREEDOM MORTGAGE  
CORPORATION; LOANCARE, A  
DIVISION OF FNF SERVICING, INC.  
NKA LOANCARE, LLC; AND  
MORTGAGE ELECTRONIC  
REGISTRATION SERVICES, INC.**

*Defendants.*

**CIVIL ACTION NO. 4:18-cv-02070**

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**PLAINTIFFS' REPLY IN SUPPORT OF THEIR MOTION TO REMAND**

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COMES NOW, Plaintiffs, John C. Jackson and Cecelia Jackson (the “Jacksons”), and file this Reply in Support of their Motion to Remand this case back to the 164<sup>th</sup> Judicial District Court of Harris County, Texas, and would respectfully show the Court as follows:

**I. Introduction**

1. Since the filing of the Jackson’s Motion to Remand on July 17, 2018, Freedom Mortgage Corporation (“Freedom Mortgage”) has filed an Amended Notice of Removal (DKT #8) and a short Response (DKT #9) arguing that the Amended Notice of Removal cures all deficiencies.
2. This Reply and the motions filed contemporaneously herewith will show that Freedom Mortgage’s Amended Notice of Removal was improperly filed outside of the 30-day removal window and that, even if Freedom Mortgage’s Amended Notice of Removal was timely, Freedom Mortgage failed to attach “Exhibit K” supposedly showing Loancare’s consent to removal and

failed for a second time to Allege Loancare's citizenship. The Jacksons adopt and incorporate their motion to strike the Amended Notice of Removal as if it were fully set forth herein.

## **II. Argument and Authorities**

### **A. Freedom Mortgage's Amended Notice of Removal was Improperly Filed Outside of the 30-Day Removal Window**

3. Contemporaneously with the filing of this Reply, the Jackson have filed a Motion to Strike objecting to the Amended Notice of Removal as untimely. However, even if the Amended Notice of Removal is timely, the Amended Notice is still deficient as explained in the two sections below.

### **B. Even if Freedom Mortgage's Amended Notice of Removal is Timely, Freedom Mortgage Failed to Attach "Exhibit K" Supposedly Showing Loancare's Consent to Removal**

4. Freedom Mortgage's Amended Notice of Removal now alleges Loancare consented to the removal and that the consent is proven by "Exhibit K." However, there is no "Exhibit K" attached to Freedom Mortgage's Amended Notice of Removal or their Response to the Jackson's Motion to Remand. Without proof of Loancare's consent, the Amended Notice of Removal is deficient.

*See 28 U.S.C. §1446 (a), (b)(2); Doe v. Kerwood, 969 F.2d 165, 169 (5<sup>th</sup> Cir. 1992); Penson Fin. Servs. v. Golden Summit Investors Grp., 2012 WL 2680667, at \*3 (N.D.Tex. 2012).*

### **C. Even if Freedom Mortgage's Amended Notice of Removal was Timely, Freedom Mortgage Failed for a Second Time to Allege the Citizenship of Loancare**

5. Freedom Mortgage's Amended Notice of Removal still fails to allege Loancare's citizenship, i.e. the specific state or states of citizenship. Without an allegation of Loancare's states of citizenship, the Amended Notice of Removal is deficient. *See Dart Cherokee Basin Oper. Co. v. Owens, \_\_\_\_ U.S. \_\_\_, 135 S.Ct. 547, 551 (2014); Doe #1 v. Blair, 819 F.3d 64, 67-68 (4<sup>th</sup> Cir. 2016); Heinen v. Northrop Grumman Corp., 671 F.3d 669, 670 (7<sup>th</sup> Cir. 2012).*

**III. Conclusion and Request for Relief**

6. The Jacksons respectfully request the case be remanded back to the 164<sup>th</sup> Judicial District Court of Harris County, Texas.

Respectfully submitted,

**JEFFREY JACKSON & ASSOCIATES, PLLC**

*/s/ Jeffrey C. Jackson*

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon all counsel of record via the Court's CM/ECF system, facsimile, and/or e-mail transmission on August 9, 2018.

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*/s/ Jeffrey C. Jackson*  
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